

Serial No. 10/680,747
Response to Office Action of June 27, 2005

AMENDMENTS TO THE DRAWINGS

A new sheet of drawings inclusive of new Figure 5 is submitted herewith pursuant to 37 CFR 1.121(d).

REMARKS

Applicant notes with appreciation withdrawal of the rejection as to claims 1, 2, 4, 8-10 and 12-19 under 35 U.S.C. §102(b) over U.S. Patent 1,868,563 (Cicourel). By way of this amendment the specification and drawings have been amended in order to overcome objections to the specification and drawings detailed in Paper No. 20050616. With regard to the “braid” edge treatment of Figure 6 and the “depressed” feature of claim 5, the Examiner’s attention is drawn to the top row of keys depicted in Figure 4 where the first key shows a braided edge treatment while the second key depicts a depressed tactile feature. New Figure 5 provides depictions commensurate with the repeating row of three-dimensional geometric shapes and a barbell as detailed in claim 7.

Currently, claims 1-9 and 12-23 stand rejected under 35 U.S.C. §102(b) as anticipated by DM/059931. Claims 1, 2, 4, 8, 9 and 12-19 also stand rejected under 35 U.S.C. §103(a) as being obvious over Cicourel in view of the DM reference. Claim 11 also stands rejected under 35 U.S.C. §103(a) over either the DM reference or Cicourel in view of the DM reference as applied to claim 1 and further in view of U.S. Patent 4,601,185 (Sheldon). Claims 3, 6 and 7 also stand rejected under 35 U.S.C. §103(a) over Cicourel in view of the DM reference and further in view of additional teachings of the DM reference. Claim 5 also stands rejected under 35 U.S.C. §103(a) over Cicourel in view of the DM reference and further in view of U.S. Patent 6,164,102 (Gapco) or U.S. Patent 6,000,258 (Lesko). Lastly, claim 24 stands rejected under 35 U.S.C. §103(a) over Cicourel or the DM reference and further in view of U.S. Patent 6,032,983 (Lanter).

By way of this amendment independent claims 1, 20 and 24 have been amended to recite with greater clarity Applicant's definition of the integral nature of a tactile feature through noting that the rear contact plane of such a feature is secured to the first sidewall throughout the rear contact plane. Support for this amendment is submitted to be inherent in the specification language found at page 5, lines 15-17. The independent claims have also been amended around the notion of a monolithic key cover formed of metal or thermoplastic, with support for which being found at page 5, lines 4-17. As such, it is submitted that no new matter has been added to the application by way of this amendment.

**Remarks Directed to Rejection of Claims 1-9
and 12-23 Under 35 U.S.C. §102(b) Over DM/059931**

The DM reference is relied upon for teaching a tactile feature that is "integral" with the remainder of the key cover. (Paper No. 20050616, top of page 4). Applicant submits that the specification and prosecution history make clear that "integral", as used in the pending claims to define the relationship between a tactile feature and a sidewall, finds novelty of the pending claims over the DM reference.

It is a well-established tenet of patent law that an applicant may be his/her own lexicographer with the limitations that a consistent meaning for a claim term is found in the specification and/or prosecution history. Paragraph 4 of the declaration of Elena Casellini dated 24 November 2004 identifies the DM reference as combining a separate tactile feature with a sidewall through welding or brazing. As such, it is believed that this limitation found in the independent claims 1 and 20 is sufficient to overcome anticipation over the DM reference. To further clarify, without changing the scope of the claims, independent claims 1, 20 and 24 have been amended to define a rear contact plane with a tactile feature that throughout is secured to

the sidewall. Applicant submits that the integral nature of the tactile feature is not a mere recitation of a production methodology but rather provides that metal granules or thermoplastic domains are continuous through the rear contact plane of the tactile feature resulting in a stronger attachment as well as precluding moisture or debris from entering the interface between the two-part key cover according to the DM reference.

In light of the above amendments and remarks, reconsideration and withdrawal of the rejection as to pending claims 1-9 and 12-23 under 35 U.S.C. §102(b) as anticipated by DM/059931 is solicited.

**Remarks Directed to Rejection of Claims 1, 2, 4, 8, 9 and 12-19
Under 35 U.S.C. §103(a) Over Cicourel in View of the DM Reference**

Independent claim 1 has been amended to recite “the first sidewall, the second sidewall, the outer wall, and the tactile feature are all formed of a single material selected from the group consisting of: a metal and a thermoplastic.” Applicant submits that Cicourel teaches away from the combination of the DM reference. Cicourel at lines 26-32 states that the cover is formed of rubber or the like so that “it can be stretched over the handle part [of the key] as the same is pressed through the opening 4 at a part of the edge of the cover.” As such, modifying the key cover of Cicourel to cut back the ends orthogonal to the planar faces would negatively impact the ability of a combined prior art key cover to be retained in a stretched form over the handle portion of an encompassed key. Cicourel’s requirement that the key cover be made of rubber so as to stretch over and snugly fit a key precludes forming a prior art reference combination rejection with the DM reference made from a material other than rubber on the basis that Cicourel teaches away from such a modification.

According to Paper No. 20050616, top of page 5, the motivation for cutting back the ends of Cicourel would be the use of less material and as such to achieve a cost savings. It is respectfully submitted that since the proposed prior art reference combination would necessarily require a key cover to be made of rubber or similar material to snugly fit over a key and that shortening the orthogonal ends between the planar faces of the key cover negatively impacts the fit of the key cover, that one of skill in the art would lack motivation to combine Cicourel and the DM reference. The added claim limitation as to the inventive key cover of claim 1 being formed of a metal or thermoplastic is also submitted to weigh against the obviousness of the pending claims over Cicourel in view of the DM reference.

In light of the above amendments and remarks, reconsideration and withdrawal of the rejection of claims 1, 2, 4, 8, 9 and 12-19 under 35 U.S.C. §103(a) over Cicourel in view of the DM reference is solicited.

Remarks Directed to Rejection of Claim 11 Under 35 U.S.C. §103(a) Over the DM Reference or Cicourel in View of the DM Reference Further in View of Sheldon

As claim 11 incorporates the limitations of claim 1 and claim 1 is now believed to be in allowable form, likewise claim 11 is submitted to be in allowable form.

Claim 11 is also submitted to have a separate basis for patentability and in support of this position Applicant hereby incorporates by reference the remarks made of record in the amendment filed December 8, 2004.

In light of the above remarks, reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. §103(a) over the DM reference or Cicourel further in view of the DM reference and Sheldon is solicited.

**Remarks Directed to Rejection of Claims 3, 6 and 7 Under
35 U.S.C. §103(a) Over Cicourel in View of the DM Reference**

As claim 11 incorporates the limitations of claim 1 and claim 1 is now believed to be in allowable form, likewise claim 11 is submitted to be in allowable form.

Claim 11 is also submitted to have a separate basis for patentability and in support of this position Applicant hereby incorporates by reference the remarks made of record in the amendment filed December 8, 2004.

In light of the above remarks, reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. §103(a) over the DM reference or Cicourel further in view of the DM reference and Sheldon is solicited.

**Remarks Directed to Rejection of Claim 24 Under
35 U.S.C. §103(a) Over Cicourel or the DM Reference in View of Lanter**

Claim 24 has been amended to recite that the tactile feature is integral with the sidewall as detailed above, and also that all of the inventive key cover elements are made of a single material selected from either a metal or a thermoplastic.

Applicant submits that the prior art reference combinations of Cicourel and Lanter or the DM reference and Lanter both fail to afford the claimed invention.

Cicourel at lines 29-32 recites that a key cover must be formed of a rubber or the like so that it can be stretched over the head of a key. Lanter is cited to bolster the teaching of Cicourel in that “V-shaped notches used as a tactile feature on the head of a key may be formed from paint, as set forth in column 4, lines 53-60.” (Paper No. 20050616, page 6, last paragraph). The basis of the combination is that “It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the projections 5 of Cicourel or the projections of the DM reference from paint, in view of the teaching of Lanter, the motivation being to simplify the

method of forming the projections on the key cover.” (Paper No. 20050616, page 6, last paragraph).

Applicant submits that the placement of dots of paint per Lanter onto a rubber key cover of Cicourel would be ineffective owing to the stretching required of the Cicourel key cover to engulf a key head. The adherence of paint droplets to a stretching substrate per Cicourel is submitted to induce delamination of the paint droplets. Additionally, claim 24 in amended form includes the limitation of the key cover being formed of a thermoplastic or metal and as such the rubber key cover of Cicourel with paint indicia according to Lanter fails to afford the claimed invention.

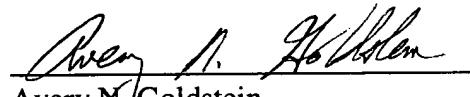
Referring now to the prior art reference combination of the DM reference in view of Lanter, the basis of the rejection is that a key cover lacking a tactile feature such as that depicted in Figures 4.1-4.4 of the DM reference could be painted according to Lanter to yield the invention of claim 24. Applicant readily concedes that a key cover according to the DM reference is readily performed. However, neither the DM reference nor Lanter is submitted to teach tactile identification through paint. Rather, with reference to Lanter, column 4, lines 53-60, the head of a key (17 in Figure 3B) is dip coated into paint. Tactile identification is submitted to have nothing to do with the paint but rather the inherent number of V-shaped grooves formed in the key head. Lanter is silent as to tactile identification of two keys as depicted in Figure 3B that vary only in the color of paint or a pattern of paint thereon. As such, it is submitted that the prior art combination of the DM reference in view of Lanter fails to afford the claimed invention.

In light of the above amendments and remarks, reconsideration and withdrawal of the rejection of claim 24 under 35 U.S.C. §103(a) over Cicourel or the DM reference in view of Lanter is solicited.

Summary

Claims 1-9 and 11-24 remain pending in the application with the entry of this amendment. The entry of this amendment is requested in order to place the application in condition for allowance. Reconsideration and allowance of the pending claims is solicited. Should the Examiner find to the contrary, he is respectfully requested to contact the undersigned attorney in charge of this application to resolve any remaining issues.

Respectfully submitted,


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